

# House Study Bill 632

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
CORRECTIONS BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the practices and procedures of the department  
2 of corrections and the judicial district departments of  
3 correctional services, including increasing the penalty for  
4 sexual misconduct by an officer, employee, or agent of the  
5 department of corrections or a judicial district department of  
6 correctional services, and providing for a fee.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
8 TLSB 5327DP 81  
9 jm/gg/14

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1 1 Section 1. Section 709.16, subsection 1, Code 2005, is  
1 2 amended to read as follows:  
1 3 1. An officer, employee, contractor, vendor, volunteer, or  
1 4 agent of the department of corrections, or an officer,  
1 5 employee, or agent of a judicial district department of  
1 6 correctional services, who engages in a sex act with an  
1 7 individual committed to the custody of the department of  
1 8 corrections or a judicial district department of correctional  
1 9 services commits ~~an aggravated misdemeanor~~ a class "D" felony.  
1 10 Sec. 2. Section 903A.5, Code 2005, is amended to read as  
1 11 follows:  
1 12 903A.5 TIME TO BE SERVED == CREDIT.  
1 13 1. An inmate shall not be discharged from the custody of  
1 14 the director of the Iowa department of corrections until the  
1 15 inmate has served the full term for which the inmate was  
1 16 sentenced, less earned time and other credits earned and not  
1 17 forfeited, unless the inmate is pardoned or otherwise legally  
1 18 released. Earned time accrued and not forfeited shall apply  
1 19 to reduce a mandatory minimum sentence being served pursuant  
1 20 to section 124.406, 124.413, 902.7, 902.8, 902.8A, or 902.11.  
1 21 An inmate shall be deemed to be serving the sentence from the  
1 22 day on which the inmate is received into the institution. If  
1 23 an inmate was confined to a county jail or other correctional  
1 24 or mental facility at any time prior to sentencing, or after  
1 25 sentencing but prior to the case having been decided on  
1 26 appeal, because of failure to furnish bail or because of being  
1 27 charged with a nonbailable offense, the inmate shall be given  
1 28 credit for the days already served upon the term of the  
1 29 sentence. However, if a person commits any offense while  
1 30 confined in a county jail or other correctional or mental  
1 31 health facility, the person shall not be granted jail credit  
1 32 for that offense. Unless the inmate was confined in a  
1 33 correctional facility, the sheriff of the county in which the  
1 34 inmate was confined shall certify to the clerk of the district  
1 35 court from which the inmate was sentenced and to the  
2 1 department of corrections' records administrator at the Iowa  
2 2 medical and classification center the number of days so  
2 3 served. The department of corrections' records administrator,  
2 4 or the administrator's designee, shall apply jail credit as  
2 5 ordered by the court of proper jurisdiction or as authorized  
2 6 by this section and section 907.3, subsection 3, ~~and shall~~  
~~2 7 forward a copy of the number of days served to the clerk of~~  
~~2 8 the district court from which the inmate was sentenced.~~  
2 9 2. An inmate shall not receive credit upon the inmate's  
2 10 sentence for time spent in custody in another state resisting  
2 11 return to Iowa following an escape. However, an inmate may  
2 12 receive credit upon the inmate's sentence while incarcerated  
2 13 in an institution or jail of another jurisdiction during any  
2 14 period of time the person is receiving credit upon a sentence  
2 15 of that other jurisdiction.

2 16 Sec. 3. Section 904.102, Code 2005, is amended to read as  
2 17 follows:

2 18 904.102 DEPARTMENT ESTABLISHED == INSTITUTIONS == SECURITY  
2 19 LEVELS.

2 20 The Iowa department of corrections is established to be  
2 21 responsible for the control, treatment, and rehabilitation of  
2 22 offenders committed under law to the following classified  
2 23 institutions:

2 24 1. Iowa correctional institution for women, medium  
2 25 security.

2 26 2. Anamosa state penitentiary, maximum security.

2 27 3. Iowa state penitentiary, maximum security.

2 28 4. Iowa medical and classification center, medium  
2 29 security.

2 30 5. North central correctional facility at Rockwell City,  
2 31 minimum security.

2 32 6. Mount Pleasant correctional facility, medium security.

2 33 7. Clarinda correctional facility, medium security.

2 34 8. Newton correctional facility, medium security.

2 35 9. Fort Dodge correctional facility, medium security.

3 1 10. Rehabilitation camps, minimum security.

3 2 11. Other institutions related to an institution in  
3 3 subsections 1 through 10 but not attached to the campus of the  
3 4 main institution as program developments require, minimum  
3 5 security.

3 6 Sec. 4. Section 904.702, Code 2005, is amended to read as  
3 7 follows:

3 8 904.702 DEDUCTIONS FROM INMATE ACCOUNTS.

3 9 1. If allowances are paid pursuant to section 904.701, the  
3 10 director shall establish an inmate account, for deposit of  
3 11 those allowances and for deposit of moneys sent to the inmate  
3 12 from a source other than the department of corrections. The  
3 13 director may deduct an amount, not to exceed ten percent of  
3 14 the amount of the allowance, unless the inmate requests a  
3 15 larger amount, to be deposited into the inmate savings fund as  
3 16 required under section 904.508, subsection 2. In addition to  
3 17 deducting a portion of the allowance, the director may also  
3 18 deduct from an inmate account any amount, except amounts  
3 19 directed to be deposited in the inmate telephone fund  
3 20 established in section 904.508A, sent to the inmate from a  
3 21 source other than the department of corrections for deposit in  
3 22 the inmate savings fund as required under section 904.508,  
3 23 subsection 2, until the amount in the fund equals the amount  
3 24 due the inmate upon discharge, parole, or placement on work  
3 25 release. The director shall deduct from the inmate account an  
3 26 amount the inmate is legally obligated to pay for child

3 27 support. The director shall deduct from the inmate account an  
3 28 amount established by the inmate's restitution plan of  
3 29 payment. The director shall also deduct from any remaining  
3 30 account balance an amount sufficient to pay all or part of any  
3 31 judgment against the inmate, including but not limited to  
3 32 judgments for taxes and child support, and court costs and  
3 33 fees assessed either as a result of the inmate's confinement  
3 34 or amounts required to be paid under section 610A.1. Written  
3 35 notice of the amount of the deduction shall be given to the  
4 1 inmate, who shall have five days after receipt of the notice  
4 2 to submit in writing any and all objections to the deduction  
4 3 to the director, who shall consider the objections prior to  
4 4 transmitting the deducted amount to the clerk of the district  
4 5 court. The director need give only one notice for each action  
4 6 or appeal under section 610A.1 for which periodic deductions  
4 7 are to be made. The director shall next deduct from any  
4 8 remaining account balance an amount sufficient to pay all or  
4 9 part of any costs assessed against the inmate for misconduct  
4 10 or damage to the property of others. The director may deduct  
4 11 from the inmate's account an amount sufficient to pay for the  
4 12 inmate's share of the costs of health services requested by  
4 13 the inmate and for the treatment of injuries inflicted by the  
4 14 inmate on the inmate or others. The director may deduct and  
4 15 disburse an amount sufficient for industries' programs to  
4 16 qualify under the eligibility requirements established in the  
4 17 Justice Assistance Act of 1984, Pub. L. No. 98-473, including  
4 18 an amount to pay all or part of the cost of the inmate's  
4 19 incarceration. The director may pay all or any part of  
4 20 remaining allowances paid pursuant to section 904.701 directly  
4 21 to a dependent of the inmate, or may deposit the allowance to  
4 22 the account of the inmate, or may deposit a portion and allow  
4 23 the inmate a portion for the inmate's personal use.

4 24 2. ~~The director, the institutional division,~~ and the  
4 25 department shall not be liable to any person for any damages  
4 26 caused by the withdrawal or failure to withdraw money or the

4 27 payment or failure to make any payment under this section.  
4 28 Sec. 5. Section 905.14, subsection 1, Code 2005, is  
4 29 amended to read as follows:  
4 30 1. A person placed on probation or parole and subject to  
4 31 supervision by a district department shall be required to pay  
4 32 an enrollment fee of ~~two hundred fifty~~ three hundred dollars  
4 33 to the district department to offset the costs of supervision.  
4 34 Sec. 6. Sections 904.203, 904.204, 904.205, and 904.206,  
4 35 Code 2005, are repealed.

5 1 EXPLANATION

5 2 This bill relates to the practices and procedures of the  
5 3 department of corrections and the judicial district department  
5 4 of correctional services.

5 5 The bill increases the criminal penalty for sexual  
5 6 misconduct with an inmate committed by an employee,  
5 7 contractor, vendor, volunteer, or agent of the department of  
5 8 corrections or by an officer, employee, or agent of a judicial  
5 9 district department of correctional services from an  
5 10 aggravated misdemeanor to a class "D" felony.

5 11 The bill strikes a provision requiring the department of  
5 12 corrections to notify the clerk of the district court of the  
5 13 amount of jail time served and credited to a person committed  
5 14 to the custody of the department of corrections.

5 15 The bill designates the security level for each of the  
5 16 institutions under the control of the department of  
5 17 corrections. The bill repeals Code section 904.203 through  
5 18 Code section 904.206, which designated the security level and  
5 19 primary use for several of the institutions under the control  
5 20 of the department.

5 21 The bill requires the director of the department of  
5 22 corrections to deduct child support payments from the account  
5 23 of an inmate prior to deducting any restitution.

5 24 The bill increases the supervision fee payable by a person  
5 25 being supervised by a judicial district department of  
5 26 correctional services from \$250 to \$300.

5 27 LSB 5327DP 81  
5 28 jm:rj/gg/14.1